REMARKS

The Examiner is thanked for the performance of a thorough search. Claim 35 has been cancelled. Claims 1, 9, 12, 20, 21, and 32 have been amended. Thus, Claims 1-34 are pending in this application.

SUMMARY OF THE REJECTIONS/OBJECTIONS

Claims 1-8 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,276,634 to Bodle ("*Bodle*"). Claims 21-31 and 33-35 were rejected under 35 U.S.C. 102(e) as being anticipated by *Bodle*. Claims 9-20 and 32 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the their respective base claims and any intervening claims.

REJECTIONS BASED ON 35 U.S.C. § 103(a) AND § 102(e)

Regarding Claims 1-8, 21-31, and 33-34, significant differences exist between the track of this application and the track disclosed in *Bodle*. Before discussing these differences, please note that *Bodle* and the present application are commonly owned by STG Aerospace Limited (Saf-T-Glow being a former name of STG Aerospace). Applicant was familiar with *Bodle* before filing the present application.

Bodle discloses in Figures 1 and 3 an emergency lighting track in which the photoluminescent (PL) strip is contained in a multi-part housing comprising a base member and a cover member which are releasably secured together along opposite sides of the housing, and a support member for the underside of the PL strip. The support member may be a separate

component attached to the base member (Figure 1) or formed integrally with the base member (Figure 3). In both these versions, the PL strip is located and held between the cover member and the support member within the track.

The track is installed on the floor of an aircraft on opposite sides of the aisle between rows of seats so as to identify the path a passenger can follow along the aisle to an exit in an emergency.

The track is subjected to wear and tear in use as a result of being trodden on by passengers as they move from the aisle into their seats and back to the aisle from their seats. The tracks may also run over by the wheels of service carts or trolleys used by cabin crew for serving passengers with drinks, food, etc.

A problem in *Bodle* is that the releasable connection between the cover member and base member provides two joints extending lengthwise of the track through which dirt or liquid can penetrate into the housing. Such penetration can have an adverse effect on the performance of the PL strip if it is contaminated with dirt or liquid with the result that the emission of light may be reduced or prevented in an emergency so that the escape path is not clearly identified. In particular, the weight of a person treading on the track will cause local deformation of the track which may partially open the joint between the cover member and base member allowing any dirt or liquid to enter the housing through the joint. The local deformation may cause a temporary opening of the joint. In extreme cases, localized regions of the joint may be left in a permanently open condition allowing dirt or liquid to penetrate freely into the housing.

In *Brodle*, Figure 6 shows an alternative arrangement in which the PL strip is located in a channel formed in the floor and covered by a cover member fitted over the PL strip within the

channel. This arrangement also has two joints extending along opposite sides of the track which can allow dirt or liquid to penetrate. In addition, recesses are formed at opposite sides of the track in which dirt or liquid can collect thereby increasing the risk of penetration into the housing.

In *Brodle*, Figure 8 shows another arrangement in which the PL strip is arranged in a housing that extends across the top of the PL strip, around the sides, and partially under the PL strip. A longitudinal gap is purposefully left in the underside of the housing to allow removal of the PL strip (presumably by deforming the housing to open the gap so that the PL strip can be lifted out of the housing). Again, the gap provides a point of entry for dirt and liquid that extends the entire length of the housing.

In contrast, the present invention provides a track in which the PL strip is located in a housing of box-section so as to enclose the PL strip totally and eliminate completely any longitudinal joint or gap in the housing which can allow dirt or liquid to penetrate.

The housing is pre-formed by extrusion or molding so as to have opposed major surfaces which in use form the top and bottom of the track and opposed minor surfaces which form the sides of the track. The major and minor surfaces are integral with each other to define a longitudinal slot into which the PL strip can be inserted from one end of the housing (i.e., push-fit) so that the PL strip is surrounded and enclosed with the housing.

The citations to *Bodle* do not disclose an arrangement in which the housing has a unitary box-section defining a slot for reception of the PL strip so as to surround and enclose the PL strip. Nor is there a suggestion of a method of assembly in which the strip is a push-fit from the end of the housing. The track shown in Figure 8 of *Bodle* may be formed by extrusion of the

housing onto the PL strip or by opening the gap in the underside of the housing to insert the PL strip. There is no disclosure of a push-fit. It is inappropriate to interpret, based on hindsight and the benefit of knowledge of the present invention, Figure 8 as showing a push-fit or anything capable of a push-fit.

Thus, Claims 1-8, 21-31, and 33-34 are neither taught nor suggested by *Bodle*. Note that Claim 35 has been cancelled.

ALLOWABLE SUBJECT MATTER

Claims 9 and 32 have been rewritten in independent form to include all of the limitations of their respective base claims and any intervening claims. Accordingly, Claims 9 and 32 are allowable for at least the reasons stated in the Office Action. As an aside, please note that Claim 33 was oddly rejected while its base Claim 32 was considered to be allowable. Appropriate consideration of Claim 33 is respectfully requested.

Dependent Claims 10-20 incorporate all of the limitations of independent Claim 9. Thus, these dependent claims are allowable for similar reasons Claim 9 is allowable.

CONCLUSION

For the reasons set forth above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Accordingly, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box Fee Amendment, Assistant Commissioner for Patents, Washington, D.C. 20231, on December 3, 2002.

Dated: 12/3/02 By: Rebecca M. Klits
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